IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

SHANNON D. YOUNG)	
)	
v.)	NO. 3:12-0009
)	
REUBEN HODGE, et al)	

ORDER

By Order entered February 5, 2013 (Docket Entry No. 95), the Court returned this action to the Magistrate Judge for further pretrial management, in accordance with Local Rule 16.01, of the remaining claims against Defendants Thomas Vance, Cpt. Ed Davis, "Nurse Kim," and Steve Cernawsky. The Court dismissed all other claims in the action.

Defendants Davis and Cernawsky have filed answers. See Docket Entry Nos. 90 and 92. Defendant Vance's initial response to the complaint was a motion to dismiss (Docket Entry No. 61), which was denied as to him. Accordingly, Defendant Vance shall file an answer to the complaint by March 1, 2013.

Defendant Nurse Kim remains unserved in this action. The Plaintiff is advised that he remains responsible for identifying this defendant for the purpose of service os process and that she will be subject to dismissal under Rule 4(m) of the Federal Rules of Civil Procedure if she is not served with process by April 30, 2013.¹

¹ Under Rule 4(m), the Court must dismiss without prejudice a defendant who is not served within 120 days after the complaint is filed. However, upon a showing of good cause by the plaintiff for the failure to timely serve the defendant, the Court may extend the time for service for an appropriate period.

The complaint in this action was filed on December 8, 2010, and the 120 day period has long since expired. Given that the plaintiff is proceeding pro se and in forma pauperis and is incarcerated,

The Court shall, by separate Order, enter a scheduling order which sets out deadlines for pretrial proceedings in the action.

Any party desiring to appeal this Order may do so by filing a motion for review no later than fourteen (14) days from the date this Order is served upon the party. The motion for review must be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for appeal. See Rule 72.02(b) of the Local Rules of Court.

It is so ORDERED.

JULIET GRIFFIN

United States Magistrate Judge

the Court has granted him considerable leeway in his attempts to identify and serve Defendant Nurse Kim. However, the additional time the Court has provided to the plaintiff is not indefinite.